

Meeting
03/07/09

Agenda Item
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Reference No
HEFCW/09/60

1 Issue

This paper provides for information an annual report of requests received by the Council under the Freedom of Information Act 2000 for the financial year 2008-09.

2 Corporate Planning Implications

The Council shall, under its '*Making It Work*' Strategic Aim, fulfil the Assembly's expectations in respect of Freedom of Information and records management.

3 Recommendation

The Council is invited to:

- i. Note the requests for information received under the Freedom of Information Act in 2008-09.

4 Timing for decisions

The report is received by the Council at the end of each financial year.

5 Council members' interests

No conflicts of interests have been declared in advance of the meeting.

6 Further information

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7 Background

- 7.1 The Freedom of Information Act 2000 gives the public a right of entitlement to information held by HEFCW.
- 7.2 Requests in writing are received either through the info@hefcw.ac.uk email account or directly by the Clerk to the Council. The Clerk co-ordinates the response with the relevant staff (the 'information-owners').
- 7.3 When requests are refused, the applicants may apply for a review of the decision. This would be carried out by senior officers independently of the original officers. If the applicant were dissatisfied with the final outcome, they could appeal to the Information Commissioner. To date there have been no first-stage appeals for review, nor appeals to the Commissioner.
- 7.4 As at end of 2008-09, we have refused 1 request for information under section 41 of the Act: *Information provided in Confidence*. This decision was not appealed against.

8 Requests under the Act 2008-09

- 8.1 General Fol requests to HEFCW have remained low, but do differ in terms of resources required to respond within the 20 days time limit, and have varied between 0.25 and 20 days officer time.
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| 2005-06 | 7 requests received |
| 2006-07 | 6 requests received |
| 2007-08 | 5 requests received |
| 2008-09 | 9 requests received |
- 8.2 Two requests were for HEFCW's Non-disclosable external consultant report into the University of Wales, Lampeter.
- 8.3 Since 1 April 2009, HEFCW have received 7 requests for information under the Fol Act, including 2 for the external consultant report into the University of Wales, Lampeter. We are in the process of conducting the first internal review against an Fol decision.
- 8.4 Applicant identity has included the national press, teaching unions, sector employees and those based at the National Assembly for Wales.
- 8.5 In accordance with the Publication Scheme, HEFCW is proactively publishing information on its website. The Publication Scheme has been brought into line with the model provided by the Information Commissioner and is being further developed to be launched with the new HEFCW website around August 2009.

8.6 In addition to requests for information under the Freedom of Information Act, HEFCW has received 90 queries for information in 2008-09 via its 'info@hefcw.ac.uk' email address. This is in comparison with an average of 170 requests for information 2007-08.

9 Financial implications

9.1 There are no financial implications for the Council arising from this paper. Responsibility for managing HEFCW's FoI compliance rests with the Clerk to the Council as 5% of post duties. Based on current activity levels, this resource is sufficient to manage this process.

10 Communications implications

10.1 Transparency in communicating the Council's work serves to reduce the number of FoI requests. Work is ongoing to further develop the information available on the new website eg disclosable Council papers dating back to 2002.

11 Diversity and Equal Opportunities implications

11.1 This paper has no implications for age, disability, gender, race, religious belief, sexual orientation or the Welsh language.

12 Risk Assessment

12.1 It is possible that requests under the Act miss the response deadline, or are for a large volume of information.

RISK	ACTION TO ADDRESS RISK
Legal action taken by the requestor under the Act for failure by the Council to respond to requests for information under the Freedom of Information Act within the statutory 20 days	Requests received and co-ordinated by the Clerk to the Council who manages the response schedule.
Resource implications of a request for a large volume of information held by the Council	Requests discussed with information holder at earliest possible stage to determine volume.